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Attorneys for Plaintiff
Yen Lily Ho

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YEN LILY HO,)	Case No.: 22-CV-2008-EJY
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
KILOLO KIJAKAZI,)	THE EQUAL ACCESS TO JUSTICE
Acting Commissioner of Social)	ACT, 28 U.S.C. § 2412(d) AND
Security,)	COSTS PURSUANT TO 28 U.S.C. §
)	1920
Defendant.)	

TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Yen Lily Ho be
awarded attorney fees in the amount of FOUR THOUSAND ONE HUNDRED

1 dollars (\$4,100.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
2 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. § 1920.
3 This amount represents compensation for all legal services rendered on behalf of
4 Plaintiff by counsel in connection with this civil action, in accordance with 28
5 U.S.C. §§ 1920; 2412(d).

6 After the Court issues an order for EAJA fees to Yen Lily Ho, the
7 government will consider the matter of Yen Lily Ho's assignment of EAJA fees to
8 Marc Kalagian. The retainer agreement containing the assignment is attached as
9 exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to
10 honor the assignment will depend on whether the fees are subject to any offset
11 allowed under the United States Department of the Treasury's Offset Program.
12 After the order for EAJA fees is entered, the government will determine whether
13 they are subject to any offset.

14 Fees shall be made payable to Yen Lily Ho, but if the Department of the
15 Treasury determines that Yen Lily Ho does not owe a federal debt, then the
16 government shall cause the payment of fees, expenses and costs to be made
17 directly to Law Offices of Lawrence D. Rohlfig, Inc, CPC, pursuant to the
18 assignment executed by Yen Lily Ho.¹ Any payments made shall be delivered to
19 Law Offices of Lawrence D. Rohlfig, Inc, CPC.

20 This stipulation constitutes a compromise settlement of Yen Lily Ho's
21 request for EAJA attorney fees, and does not constitute an admission of liability on
22 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
23 shall constitute a complete release from, and bar to, any and all claims that Yen
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

Lily Ho and/or Marc Kalagian including Law Offices of Lawrence D. Rohlfiing, Inc, CPC may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Marc Kalagian and/or the Law Offices of Lawrence D. Rohlfiing, Inc, CPC to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: June 14, 2023 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING, INC, CPC

/s/ Marc V. Kalagian

BY: _____

Marc V. Kalagian
Attorney for plaintiff
YEN LILY HO

DATED: June 14, 2023

JASON M. FRIERSON
United States Attorney

/s/ Michonne L. Omo

MICHONNE L. OMO
Special Assistant United States Attorney
Attorneys for Defendant
KILOLO KIJAKAZI, Acting Commissioner of
Social Security (Per e-mail authorization)

ORDER

Approved and so ordered:

DATE: June 15, 2023



THE HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE